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Paper No. 9

In re Application of :
Alan Anthony Wilson *et al* : DECISION ON PETITION
Application No. 09/979,569 :
Filed: November 19, 2001 :
Attorney Docket No. PG3707USW :

This is a decision on the petition, filed by facsimile transmission on November 18, 2003, by which petitioners request withdrawal of the holding that this application stands abandoned for failure to file a reply to the Office letter dated March 25, 2003. The petition is being considered under 37 CFR 1.181, and no fee is required for the petition.

The petition is granted.

Petitioners have alleged that this application is not abandoned because a proper and timely reply to the Office letter in question was in fact filed. Petitioners have supported this allegation by furnishing a copy of the reply, and a copy of the transmittal letter for the reply. The transmittal letter has affixed thereto a 37 CFR 1.8(a) certificate of mailing dated April 21, 2003, a date within the period set by the Office letter in question for filing a reply thereto.

It is clear from the above evidence that a timely reply to the Office letter dated March 25, 2003 was in fact filed. See 37 CFR 1.8(b). Therefore, this application is not abandoned. Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the examiner for action on the reply filed on April 21, 2003.

PETITION GRANTED.

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